

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

ALEXANDER HARVIN,	)	
	)	
Plaintiff,	)	
	)	Civil Action File No.:
v.	)	
	)	1:21-CV-3355-MHC
JPMORGAN CHASE BANK,	)	
N.A., NATIONWIDE TITLE	)	
CLEARING, WARGO &	)	
FRENCH, L.P., KUTAK ROCK,	)	
L.P. and ALDRIDGE PITE, L.P.	)	
	)	
Defendants.	)	

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**DEFENDANT KUTAK ROCK LLP'S MOTION TO DISMISS  
FOR FAILURE TO STATE A CLAIM UNDER F.R.C.P 12(b)(6)**

COMES NOW Defendant Kutak Rock LLP<sup>1</sup> (“Kutak”) and moves under and in accordance with Rule 12(b)(6) of the Federal Rules of Civil Procedure for dismissal of the Complaint in this case for failure to state a claim upon which relief can be granted. Kutak shows in support of its motion that the three-count Complaint filed by Plaintiff Alexander Harvin (“Harvin”) fails to allege a plausible cause of action under the federal and state RICO statutes; fails to state a claim based upon the

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<sup>1</sup> Plaintiff Harvin misidentifies Kutak in the caption and body of the Complaint as “Kutak Rock, L.P.” The correct law firm name is Kutak Rock LLP.

theory of civil conspiracy; and is precluded as a matter of law arising from the decisions and determinations in the more than eight similar lawsuits filed by Harvin involving the same claims and subject matter. In support of its Motion to Dismiss, Kutak submits its Memorandum of Law in support of its Motion to Dismiss and prays that the Court upon review dismiss the Complaint in full with prejudice.

Respectfully submitted this 20<sup>th</sup> day of October 2021.

MOZLEY, FINLAYSON & LOGGINS, LLP

*/s/ John R. Lowery*

John R. Lowery

Georgia Bar No. 460175

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**CERTIFICATE OF SERVICE**

I certify that on October 20, 2021, I filed the foregoing **DEFENDANT KUTAK ROCK LLP'S MOTION TO DISMISS** with the Clerk of Court using the CM/ECF system and by U.S. mail with sufficient first-class postage to the following:

ALEXANDER R. HARVIN  
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This 20<sup>th</sup> day of October 2021.

/s/ John R. Lowery  
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